

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:	)	Before the Examiner:
Kevin T. Foley et al.	)	Michael B. Priddy
	)	
Continuation Application of	)	Group Art Unit 3732
Serial No. 09/928,949 (filed 08/13/01)	)	
	)	
Filed: January 13, 2004	)	Ref. No.: PC444.06/
	)	4002-3443
	)	
SURGICAL INSTRUMENTATION	)	
AND METHOD FOR THE	)	
TREATMENT OF THE SPINE	)	

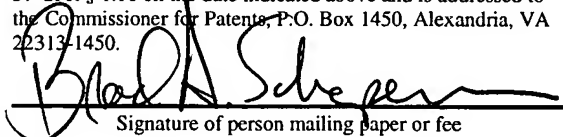
**PRELIMINARY AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please enter the following Preliminary Amendment for the above-entitled continuation patent application prior to computing the filing fee. Additionally, please charge any fees due or credit any overpayment to Deposit Account No. 23-3030, but not to include payment of issue fees.

"Express Mail" Label Number **EV394105615US**.  
Date of Deposit **January 13, 2004**. I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Signature of person mailing paper or fee

## **INTRODUCTORY COMMENTS**

The Specification has been amended to reflect the updated priority data associated with the subject application. Claims 1-53 have been cancelled without prejudice for possible submission in a continuing application. New claims 54-93 have been added.